

STAYED,TYPE I-FOIA

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:17-cv-00943-DLF**

LEWIS v. U.S. DEPARTMENT OF THE TREASURY et al
Assigned to: Judge Dabney L. Friedrich
Cause: 05:552 Freedom of Information Act

Date Filed: 05/18/2017
Jury Demand: None
Nature of Suit: 895 Freedom of Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

ERIC L. LEWIS

represented by **Manuel S. Varela**
LEWIS BAACH KAUFMANN
MIDDLEMISS PLLC
1899 Pennsylvania Avenue, NW
Suite 600
Washington, DC 20006
(202) 833-8900
Fax: (202) 466-5738
Email: manuel.varela@lbkmlaw.com
ATTORNEY TO BE NOTICED

Anne Katherine Toomey
LEWIS BAACH KAUFMANN
MIDDLEMISS PLLC
1101 New York Avenue, NW
Suite 1000
Washington, DC 20005
(202) 833-8900
Fax: (202) 466-5738
Email: katherine.toomey@lbkmlaw.com
ATTORNEY TO BE NOTICED

V.

Defendant

**U.S. DEPARTMENT OF THE
TREASURY**

represented by **Daniel J. Halainen**
U.S. DEPARTMENT OF JUSTICE
Civil Division, Federal Programs Branch
1100 L Street, NW
Room 12304
Washington, DC 20005
(202) 616-8101
Fax: (202) 616-8470
Email: daniel.j.halainen@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Robin Frances Thurston
DEMOCRACY FORWARD
FOUNDATION
P.O. Box 34553
Washington, DC 20043
(202) 448-9090
Email: rthurston@democracyforward.org
TERMINATED: 07/11/2017
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Marina Utgoff Braswell
U.S. ATTORNEY'S OFFICE FOR THE

DISTRICT OF COLUMBIA
 555 Fourth Street, NW
 Washington, DC 20530
 (202) 252-2561
 Fax: (202) 252-2599
 Email: Marina.Braswell@usdoj.gov
 TERMINATED: 06/19/2017

Defendant**FINANCIAL CRIMES
ENFORCEMENT NETWORK**

represented by **Daniel J. Halainen**
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Robin Frances Thurston
 (See above for address)
 TERMINATED: 07/11/2017
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Marina Utgoff Braswell
 (See above for address)
 TERMINATED: 06/19/2017

Date Filed	#	Docket Text
05/18/2017	<u>1</u>	COMPLAINT against FINANCIAL CRIMES ENFORCEMENT NETWORK, U.S. DEPARTMENT OF THE TREASURY (Filing fee \$ 400 receipt number 0090-4957987) filed by ERIC L. LEWIS. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5, # <u>6</u> Exhibit 6, # <u>7</u> Exhibit 7, # <u>8</u> Exhibit 8, # <u>9</u> Exhibit 9, # <u>10</u> Exhibit 10, # <u>11</u> Exhibit 11, # <u>12</u> Exhibit 12, # <u>13</u> Civil Cover Sheet, # <u>14</u> Summons Treasury, # <u>15</u> Summons FinCEN)(Toomey, Anne) (Entered: 05/18/2017)
05/18/2017		Case Assigned to Judge Colleen Kollar-Kotelly. (jd) (Entered: 05/19/2017)
05/19/2017	<u>2</u>	NOTICE of Appearance by Manuel S. Varela on behalf of ERIC L. LEWIS (Varela, Manuel) (Main Document 2 replaced on 5/22/2017) (znmw). (Entered: 05/19/2017)
05/19/2017	<u>3</u>	SUMMONS (2) Issued Electronically as to FINANCIAL CRIMES ENFORCEMENT NETWORK, U.S. DEPARTMENT OF THE TREASURY. (Attachment: # <u>1</u> Consent Forms)(jd) (Entered: 05/19/2017)
05/19/2017		SUMMONS Not Issued as to U.S. Attorney for the District of Columbia and U.S. Attorney General(jd) (Entered: 05/19/2017)
05/22/2017	<u>4</u>	ORDER Establishing Procedures for Cases Assigned to Judge Colleen Kollar-Kotelly. Signed by Judge Colleen Kollar-Kotelly on May 22, 2017. (NS) (Entered: 05/22/2017)
05/25/2017	<u>5</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. FINANCIAL CRIMES ENFORCEMENT NETWORK served on 5/22/2017; U.S. DEPARTMENT OF THE TREASURY served on 5/25/2017 (Toomey, Anne) (Entered: 05/25/2017)
05/25/2017	<u>6</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 5/23/2017. (Toomey, Anne) (Entered: 05/25/2017)
05/25/2017	<u>7</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 5/23/2017. Answer due for ALL FEDERAL DEFENDANTS by 6/22/2017. (Toomey, Anne) (Entered: 05/25/2017)
06/12/2017	<u>8</u>	NOTICE of Appearance by Marina Utgoff Braswell on behalf of FINANCIAL CRIMES ENFORCEMENT NETWORK, U.S. DEPARTMENT OF THE

		TREASURY (Braswell, Marina) (Entered: 06/12/2017)
06/19/2017	<u>9</u>	NOTICE OF SUBSTITUTION OF COUNSEL by Robin Frances Thurston on behalf of All Defendants Substituting for attorney Marina Braswell (Thurston, Robin) (Entered: 06/19/2017)
06/22/2017	<u>10</u>	ANSWER to Complaint by FINANCIAL CRIMES ENFORCEMENT NETWORK, U.S. DEPARTMENT OF THE TREASURY.(Thurston, Robin) (Entered: 06/22/2017)
06/26/2017	<u>11</u>	ORDER. The parties shall MEET AND CONFER and file a Joint Status Report by July 10, 2017. Signed by Judge Colleen Kollar-Kotelly on 6/26/2017. (lcckk3) (Entered: 06/26/2017)
06/26/2017		Set/Reset Deadlines: Meet & Confer Statement due by 7/10/2017. (dot) (Entered: 06/27/2017)
07/10/2017	<u>12</u>	Joint STATUS REPORT by ERIC L. LEWIS. (Toomey, Anne) (Entered: 07/10/2017)
07/11/2017	<u>13</u>	NOTICE OF SUBSTITUTION OF COUNSEL by Daniel J. Halainen on behalf of All Defendants Substituting for attorney Robin Thurston (Halainen, Daniel) (Entered: 07/11/2017)
07/11/2017	<u>14</u>	SCHEDULING AND PROCEDURES ORDER. Signed by Judge Colleen Kollar-Kotelly on 7/11/2017. (lcckk3) (Entered: 07/11/2017)
07/11/2017		Set/Reset Deadlines: Plaintiff's Cross Motion due by 9/18/2017. Response to Cross Motion due by 10/2/2017. Reply to Cross Motion due by 10/16/2017. Defendants' Summary Judgment motion due by 8/28/2017. Response to Motion for Summary Judgment due by 9/18/2017. Reply to Motion for Summary Judgment due by 10/2/2017. Vaughn Index due by 8/7/2017. (dot) (Entered: 07/14/2017)
08/24/2017	<u>15</u>	Unopposed MOTION for Extension of Time to <i>File Motion for Summary Judgment</i> by FINANCIAL CRIMES ENFORCEMENT NETWORK, U.S. DEPARTMENT OF THE TREASURY (Attachments: # <u>1</u> Text of Proposed Order)(Halainen, Daniel) (Entered: 08/24/2017)
08/25/2017		MINUTE ORDER. The Court is in receipt of Defendants' <u>15</u> Unopposed Motion for Extension of Time. Defendants request a four day extension, from August 28, 2017 to September 1, 2017, to file their motion for summary judgment because they need additional time to release documents to Plaintiff and to consult with other agencies. This is the first request for an extension in this case and Plaintiff does not oppose it. However, as Defendants note, the request is not timely. The Order Establishing Procedures in this case states that "[m]otions for extensions of time must be filed at least four (4) business days prior to the first affected deadline." ECF No. 4 at 3. The Court will GRANT Defendants' motion, but expects any future motions for extensions to be timely filed. Defendants shall file their Motion for Summary Judgment by SEPTEMBER 1, 2017. Plaintiff shall file its Opposition to Defendants' Motion for Summary Judgment and its Cross-Motion for Summary Judgment by SEPTEMBER 22, 2017. Defendants shall file their Reply to Plaintiff's Opposition to Defendants' Motion for Summary Judgment and their Opposition to Plaintiff's Cross-Motion for Summary Judgment by OCTOBER 6, 2017. Plaintiff shall file a Reply in support of its Cross-Motion for Summary Judgment by OCTOBER 20, 2017. Signed by Judge Colleen Kollar-Kotelly on 8/25/2017. (lcckk3) (Entered: 08/25/2017)
08/25/2017		Set/Reset Deadlines: Defendant's Motion for Summary Judgment due by 9/1/2017; Plaintiff's Opposition to Defendants' Motion for Summary Judgment and its Cross-Motion for Summary Judgment due by 9/22/2017; Defendants' Reply to Plaintiff's Opposition to Defendants' Motion for Summary Judgment and their Opposition to Plaintiff's Cross-Motion for Summary Judgment due by 10/6/2017; Plaintiff's Reply in support of its Cross-Motion for Summary Judgment due by 10/20/2017. (kt) (Entered: 08/25/2017)
09/01/2017	<u>16</u>	MOTION for Summary Judgment by FINANCIAL CRIMES ENFORCEMENT NETWORK, U.S. DEPARTMENT OF THE TREASURY (Attachments: # <u>1</u> Statement of Facts, # <u>2</u> Memorandum in Support, # <u>3</u> Text of Proposed Order, # <u>4</u> Index of Exhibits, # <u>5</u> El-Hindi Declaration)(Halainen, Daniel) (Entered: 09/01/2017)

09/22/2017	<u>17</u>	Cross MOTION for Summary Judgment <i>and Opposition to Defendants' Motion for Summary Judgment</i> by ERIC L. LEWIS (Attachments: # <u>1</u> Memorandum in Support of Cross Motion for Summary Judgment and in Opposition to Defendants' Motion for Summary Judgment, # <u>2</u> Statement of Facts, # <u>3</u> Declaration of Manuel S. Varela, # <u>4</u> Exhibit A to Varela Declaration, # <u>5</u> Exhibit B to Varela Declaration, # <u>6</u> Exhibit C to Varela Declaration, # <u>7</u> Exhibit D to Varela Declaration, # <u>8</u> Exhibit E to Varela Declaration, # <u>9</u> Text of Proposed Order on Cross Motion, # <u>10</u> Text of Proposed Order on Opposition)(Toomey, Anne) (Entered: 09/22/2017)
09/22/2017	18	Memorandum in opposition to re <u>16</u> MOTION for Summary Judgment filed by ERIC L. LEWIS. (See Docket Entry <u>17</u> to view document). (znmw) (Entered: 09/25/2017)
10/06/2017	<u>19</u>	REPLY to opposition to motion re <u>16</u> MOTION for Summary Judgment filed by FINANCIAL CRIMES ENFORCEMENT NETWORK, U.S. DEPARTMENT OF THE TREASURY. (Attachments: # <u>1</u> Declaration, # <u>2</u> Statement of Facts)(Halainen, Daniel) (Entered: 10/06/2017)
10/06/2017	<u>20</u>	Memorandum in opposition to re <u>17</u> Cross MOTION for Summary Judgment <i>and Opposition to Defendants' Motion for Summary Judgment</i> filed by FINANCIAL CRIMES ENFORCEMENT NETWORK, U.S. DEPARTMENT OF THE TREASURY. (Attachments: # <u>1</u> Declaration, # <u>2</u> Statement of Facts)(Halainen, Daniel) (Entered: 10/06/2017)
10/20/2017	<u>21</u>	REPLY to opposition to motion re <u>17</u> Cross MOTION for Summary Judgment <i>and Opposition to Defendants' Motion for Summary Judgment</i> filed by ERIC L. LEWIS. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B)(Toomey, Anne) (Entered: 10/20/2017)
12/05/2017		Case directly reassigned to Judge Dabney L. Friedrich. Judge Colleen Kollar-Kotelly is no longer assigned to the case. (ztnr) (Entered: 12/05/2017)
06/01/2018	<u>22</u>	NOTICE by ERIC L. LEWIS (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C)(Toomey, Anne) (Entered: 06/01/2018)
07/02/2018	<u>23</u>	MEMORANDUM OPINION AND ORDER denying without prejudice <u>16</u> Defendants' Motion for Summary Judgment and <u>17</u> Plaintiff's Cross Motion for Summary Judgment. By July 30, 2018, the defendants shall provide to the plaintiff any clarifications or supplements to the El-Hindi declarations and Vaughn Index; thereafter, the parties shall confer and propose a schedule for further proceedings to be filed on or before August 10, 2018. See memorandum opinion and order for details. Signed by Judge Dabney L. Friedrich on July 2, 2018. (JK) (Entered: 07/02/2018)
07/02/2018		Set/Reset Deadlines: Proposed schedule for further proceedings due by 8/10/2018. (JK) (Entered: 07/02/2018)
07/27/2018	<u>24</u>	MOTION for Scheduling Order by FINANCIAL CRIMES ENFORCEMENT NETWORK, U.S. DEPARTMENT OF THE TREASURY (Attachments: # <u>1</u> Text of Proposed Order, # <u>2</u> Declaration, # <u>3</u> Exhibit)(Halainen, Daniel). Added MOTION to Vacate on 7/27/2018 (tth). (Entered: 07/27/2018)
07/27/2018		NOTICE OF ERROR re <u>24</u> Motion for Scheduling Order; emailed to daniel.j.halainen@usdoj.gov, cc'd 4 associated attorneys — The PDF file you docketed contained errors: 1. Two-part docket entry, 2. Please do not refile. For future filings, please docket two-part pleadings. (ztth,) (Entered: 07/27/2018)
08/10/2018	<u>25</u>	Memorandum in opposition to re <u>24</u> MOTION for Scheduling Order MOTION to Vacate filed by ERIC L. LEWIS. (Toomey, Anne) (Entered: 08/10/2018)
08/10/2018	<u>26</u>	PROPOSED BRIEFING SCHEDULE <i>Plaintiff's Proposed Schedule for Further Proceedings</i> by ERIC L. LEWIS (Toomey, Anne) Modified event title on 8/13/2018 (znmw). (Entered: 08/10/2018)
08/10/2018	<u>27</u>	STATUS REPORT by FINANCIAL CRIMES ENFORCEMENT NETWORK, U.S. DEPARTMENT OF THE TREASURY. (Halainen, Daniel) (Entered: 08/10/2018)
08/10/2018		MINUTE ORDER. Upon consideration of the defendants' <u>24</u> Motion for Scheduling Order and to Vacate Pending Deadlines, and the plaintiff's opposition, it is ORDERED that (1) the defendants shall complete a new search responsive to the plaintiff's complaint on or before August 29, 2018; (2) the parties shall submit a joint status report on or before September 4, 2018 that proposes a schedule for further

		proceedings; and (3) the defendants shall preserve all documents processed and withheld as result of the original search. Signed by Judge Dabney L. Friedrich on August 10, 2018. (JK) (Entered: 08/10/2018)
08/10/2018		Set/Reset Deadlines/Hearings: Defendant's new search responsive to the plaintiff's complaint due by 8/29/2018. Status Report due by 9/4/2018. (jl) (Entered: 08/13/2018)
08/29/2018	<u>28</u>	NOTICE of Change of Address by Anne Katherine Toomey (Toomey, Anne) (Entered: 08/29/2018)
09/04/2018	<u>29</u>	Joint STATUS REPORT by FINANCIAL CRIMES ENFORCEMENT NETWORK, U.S. DEPARTMENT OF THE TREASURY. (Halainen, Daniel) (Entered: 09/04/2018)
09/05/2018		MINUTE ORDER. Upon consideration of the parties' <u>29</u> Joint Status Report, it is ORDERED that on or before September 25, 2018, the defendants shall (1) process and issue a new final determination for the 104 documents that were previously withheld, including the release of any documents no longer subject to withholding under exemption 7(A) based on the the current status of investigations, and (2) review the 986 recently identified documents to determine the volume of potentially responsive documents. It is further ORDERED that on or before October 2, 2018, the parties shall submit a joint status report proposing a schedule for further proceedings, including the processing of any remaining responsive records. Signed by Judge Dabney L. Friedrich on September 5, 2018. (JK) (Entered: 09/05/2018)
10/02/2018	<u>30</u>	Joint STATUS REPORT by FINANCIAL CRIMES ENFORCEMENT NETWORK, U.S. DEPARTMENT OF THE TREASURY. (Halainen, Daniel) (Entered: 10/02/2018)
10/03/2018		MINUTE ORDER. Upon consideration of the parties' <u>30</u> Joint Status Report, it is ORDERED that on or before October 9, 2018 the defendant shall produce any of the 104 documents previously withheld that are no longer subject to withholding under exemption 7(A) or any other FOIA exemption. It is further ORDERED that on or before January 9, 2018, the defendants shall process the 1,345 potentially responsive documents identified and shall produce to the plaintiff any responsive, non-exempt records subject to the FOIA. Within seven days of the completion of processing, the parties shall meet and confer and submit a joint status report on or before January 16, 2018, updating the Court as to what additional proceedings are necessary. Signed by Judge Dabney L. Friedrich on October 3, 2018. (lcldlf1) (Entered: 10/03/2018)
10/16/2018	<u>31</u>	NOTICE of Change of Address by Daniel J. Halainen (Halainen, Daniel) (Entered: 10/16/2018)
12/27/2018	<u>32</u>	Unopposed MOTION to Stay <i>in Light of Lapse of Appropriations</i> by FINANCIAL CRIMES ENFORCEMENT NETWORK, U.S. DEPARTMENT OF THE TREASURY (Attachments: # <u>1</u> Text of Proposed Order)(Halainen, Daniel) (Entered: 12/27/2018)
12/27/2018		MINUTE ORDER granting the defendant's <u>32</u> Motion for a Stay of Processing and Status Report Deadlines in Light of Lapse of Appropriations. Accordingly, it is ORDERED that this case is STAYED until Congress has restored appropriations to the Department of Justice. It is further ORDERED that the defendants shall promptly notify the Court as soon as appropriations are restored, and at that time the parties shall file a joint status report proposing a revised schedule for the processing of records responsive to the plaintiffs' FOIA request. Signed by Judge Dabney L. Friedrich on December 27, 2018. (lcldlf1) (Entered: 12/27/2018)
01/28/2019	<u>33</u>	NOTICE of Restoration of Appropriations by FINANCIAL CRIMES ENFORCEMENT NETWORK, U.S. DEPARTMENT OF THE TREASURY (Halainen, Daniel) (Entered: 01/28/2019)
01/29/2019	<u>34</u>	Joint STATUS REPORT by FINANCIAL CRIMES ENFORCEMENT NETWORK, U.S. DEPARTMENT OF THE TREASURY. (Halainen, Daniel) (Entered: 01/29/2019)
01/30/2019		MINUTE ORDER adopting the proposal in the parties' <u>34</u> Joint Status Report. Accordingly, it is ORDERED that the defendants shall process the 1,345 potentially responsive documents identified and shall produce to the plaintiff any responsive,

		non-exempt records subject to FOIA. It is further ORDERED that the parties shall meet and confer and file a joint status report on or before February 21, 2019 updating the Court as to what additional proceedings, if any, are necessary. Signed by Judge Dabney L. Friedrich on January 30, 2019. (lcldf1) (Entered: 01/30/2019)
--	--	---